

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ABBOTT CARDIOVASCULAR )  
SYSTEMS, INC. and ABBOTT )  
LABORATORIES, INC., )  
Plaintiffs, ) Civil Action No. 98-80 (SLR)  
v. ) (Consolidated with C.A. No. 98-314 (SLR) and  
 ) C.A. No. 98-316 (SLR))  
 )  
 )  
MEDTRONIC VASCULAR, INC. and ) REDACTED PUBLIC  
MEDTRONIC USA, INC. ) VERSION  
Defendants. )  
 )  
 )

**DECLARATION OF KAREN JACOBS LOUDEN**

I, Karen Jacobs Louden, declare as follows:

I am a partner with the law firm of Morris, Nichols, Arsh & Tunnell LLP, Delaware counsel for defendants Medtronic Vascular, Inc. and Medtronic USA, Inc. in the above-captioned action, and I am admitted to practice before this Court. I submit this Declaration in support of Medtronic Vascular, Inc. and Medtronic USA, Inc.'s Answering Brief in Opposition to Plaintiff's Motion For Permanent Injunction. Attached hereto are true and correct copies of the following:

**Tab**      **Exhibit**

- A**      Excerpts from the deposition of Adria A. Spano, October 23, 2007, in this action
- B**      Excerpts from the deposition of Dr. Joel K. Kahn, September 15, 2007, in this action
- C**      Excerpts from the deposition of David C. Pacitti and Exhibit 9 thereto, September 29, 2007, in this action
- D**      Memorandum Order in *IMX, Inc. v. LendingTree, LLC*, C.A. No. 03-1067 (SLR) (D. Del. Apr. 25, 2007)

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- G Glenn Reicin, *Hosp. Supplies & Medical Technology, Lau Patent Update: Noose Tightening on Medtronic*, Morgan Stanley, July 1, 2007
- H Correspondence from Andrew J. Vance of Finnegan, Henderson, Farabow, Garrett & Dunner LLP to Matthew A. Hoffman of Gibson, Dunn & Crutcher LLP, dated September 14, 2007 and September 18, 2007
- I Complaint for Declaratory Judgment of Patent Invalidity and Noninfringement, filed September 29, 2006 in *Abbott Labs. v. Johnson & Johnson, Inc.*, C.A. No. 06-613 (SLR) (D. Del.)
- J Excerpts from Volume G of the transcript of the February 16, 2005 Jury Trial in this action
- K Notices of Office Action in the *Ex Parte* Reexamination of U.S. Patent Nos. 5,515,154; 6,066,167; 6,066,168; and 6,432,133, mailed from the United States Patent and Trademark Office on December 21, 2006
- L Bibliographic Data from the United States Patent and Trademark Office Patent Application Information Retrieval Service regarding U.S. Patent Nos. 5,515,154; 6,066,167; 6,066,168; and 6,432,133, printed on October 31, 2007
- M P.J. Prendergast, *Analysis of Prolapse in Cardiovascular Stents: A Constitutive Equation for Vascular Tissue and Finite Element Modeling*. 125 J. BIOMED. ENG'G 692 (2003)
- N Strategic Market Overview (ACS00766844–ACS00766888)
- O Abbott Vascular 2007 Long Range Plan (ACS00760506–ACS00760532)
- P Abbott Laboratories' Memorandum of Law In Support of Motion To Dismiss, filed November 15, 2006 in *Johnson & Johnson v. Guidant Corporation*, C.A. No. 06-CV-7685-GEL (S.D.N.Y.)
- Q Abbott Laboratories, Inc. 2006 Annual Report

- R Declaration of Todd Messal in support of Boston Scientific's Motion to Intervene, filed in *Medtronic Vascular, Inc. v. Advanced Cardiovascular Systems, Inc.*, C.A. No. 06-1066-PJH (N.D. Cal.)
- S Excerpts from the Rule 30(b)(6) deposition of Adria A. Spano, April 27, 2004, in this action
- T Non-Disclosure Agreement Between Advanced Cardiovascular Systems, Inc. and Accuterix, Inc., dated August 21, 1989 (ACS224811-ACS224813)
- U Excerpts from Volume F of the transcript of the February 15, 2005 Jury Trial in this action

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 15<sup>th</sup> day of November 2007 in Wilmington, Delaware.

  
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Karen Jacobs Louden

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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on November 8, 2007 I electronically filed the foregoing with the Clerk of the Court using CM/ECF which will send notification of such filing to Frederick L. Cottrell, III.

I further certify that on November 8, 2007 I served copies of the foregoing to the following counsel in the manner indicated:

**BY HAND & EMAIL**

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/s/ *Karen Jacobs Louden*

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